



Understanding **Child Support** *A Handbook for Parents*

State of Michigan Family Independence Agency

Michigan child support services

This handbook gives you general information about child support in Michigan. Michigan's child support program operates through the cooperative efforts of three agencies: the Office of Child Support, the Prosecuting Attorney's Office, and the Friend of the Court. Below is an explanation of these agencies and their functions:

Office of Child Support (FIA)

The Office of Child Support within the Family Independence Agency administers the child support program in Michigan. Child Support Specialists in the Office of Child Support can assist you by:

- Helping to locate a noncustodial parent.
- Assisting with voluntary paternity establishment.
- Making a referral to establish paternity and/or obtain a support order.
- Referring an existing order for enforcement.
- Helping decide what action to take in an interstate case.

If you go on public assistance, you may be contacted by the Office of Child Support for an evaluation of what services your family needs.

Prosecuting Attorney's Office

The Office of the Prosecuting Attorney (PA) establishes paternity and obtains court orders for support. They can also help locate a noncustodial parent. You may be requested to appear at the Prosecuting Attorney's office.

Friend of the Court

The Friend of the Court (FOC) enforces support orders, modifies orders, can register Michigan orders in other states, initiates interstate income withholding, and can assist in locating noncustodial parents.



Every child needs financial and emotional support. Every child has the right to support from both parents. Devoted parents can be a loving and supporting force in a child's life. Even when parents do not live together, they need to work together to support their child.

With the involvement of both parents, children get the chance they need and deserve to reach their full potential.

***You make a difference in your children's lives.
Be there for them.***

Michigan's child support program helps parents establish a financial partnership.

Michigan's Office of Child Support within the Family Independence Agency supervises the child support program. The Prosecuting Attorney's Office and Friends of the Court perform certain duties with the child support program. An important goal of the child support program is to help families work toward becoming or remaining self-sufficient through improved child support collections.

By working with both parents to establish and enforce support orders, Michigan's child support program helps children receive the financial, medical, and child care support they deserve.

What is child support?

Child support is money a parent pays to help meet their children's needs when the parent is not living with the child. The court orders the support. The support may be part of an interim, temporary, permanent, or modified court order in a:

- Divorce
- Paternity action
- Child custody action
- Family Support action
- Interstate action
- And other special types of orders

Who can receive child support?

Someone can receive child support if:

- He or she is the parent of a minor child or is the person who has custody of a minor child.
- The minor child lives in the person's home.
- The child is financially dependent on that person.
- One or both of the child's parents are absent from the child's home.
- The court has ordered the amount of child support.

What child support services are available?

Services provided by Michigan's child support program include:

- Locating parents
- Establishing paternity
- Establishing court orders for child support, medical support and child care support
- Adjusting court orders when appropriate
- Enforcing court orders for child support, medical and child care support
- Working with other states to enforce support when one parent does not live in Michigan
- Collecting and processing payments



Who can use these services?

These services are available to:

- Parents of minor children if one parent does not live with the child.
- Parents who pay child support through court-ordered income withholding.
- People who have physical custody of a minor child.
- People who receive public assistance for a minor child who lives in their home.

What services are not available?

Michigan's child support program does not provide:

- Divorce assistance
- Spousal maintenance (alimony) order establishment
- Legal advice or counsel
- Custody and parenting time assistance

How can I apply for child support services?

If you are not receiving public assistance, you can apply for child support services through the child support office.

If you are receiving public assistance (including medical assistance) and you have a minor child in your home whose other parent does not live there, you may be referred for child support services.

After I apply, what else must I do?

You must take an active role in your case. Cooperating with the child support office improves your chances of successful support order establishment and collection. The child support office cannot succeed without your help.

You must report changes that may affect your case. You must contact the child support office if:

- You or the other parent moves.
- You or the other parent gets a new phone number or job.
- The number of children living with you changes.
- You have new information that might help locate the other parent.
- You apply for public assistance.
- You are involved in other court actions (e.g., divorce action) regarding support payments.

If I am receiving public assistance, are there other things I must do?

- If you are the custodial parent who is receiving public assistance, you must assign some or all of your child support to the state to offset the money the state pays to support you and the child. The child support office will provide you with information about your specific situation.



- If you receive child support directly from the noncustodial parent, you must report it to your FIA caseworker.
- If paternity needs to be established or the noncustodial parent needs to be located, you must cooperate with the child support office by providing correct information.
- If you do not cooperate with the child support office's action to establish paternity or child support, your public assistance benefits may be reduced and/or eliminated.

If I apply for child support services, do I have any rights?

Yes, you have the right to:

- Receive fair and nondiscriminatory treatment.
- Have all private data treated as confidential.
- Be notified of all important actions concerning your case.
- Have the opportunity to participate in any court action involving your case.
- Ask for reviews and adjustments of your support order.

What has to be done before I can get a child support order?

To obtain any type of order, the child support office must notify the parties involved that it is trying to establish an order. The child support office cannot take action in some cases if one of the people cannot be located.

If the child support office does not know the whereabouts of the people involved, there are many places from which to gather information, including but not limited to the following:

- Unemployment records
- Public assistance and food stamp records
- Motor vehicle registration and driver license records
- Department of Natural Resources records
- United States Postal Service
- Current and previous employers
- Current and previous utility companies
- Law enforcement agencies, and parole and probation offices
- State licensing boards
- Military records
- Federal Case Registry, including National Directory of New Hires.

Why is it important to establish the legal father of a child?

Establishing paternity gives a child born outside of marriage the same legal rights as a child born to married parents. Children with legal fathers are entitled to benefits through their fathers. These include: Social Security benefits, veterans benefits, and inheritance rights. Children may also benefit by knowing their family's biological, cultural, and medical history.

Child support offices may assist either parent in establishing paternity for a child who does not have a legal father. Paternity must be established before the court can establish an obligation to pay child support.



What is the difference between a legal father and a biological father?

Every child has a biological father. The biological father is the man whose sperm joined the mother's egg to create the baby. The legal father may not be the biological father. The legal father is the man the law recognizes as the father of the child.

When a married couple has a child, the law automatically recognizes the husband as the child's legal father; therefore, paternity does not need to be determined. When an unmarried woman has a child, an official act is needed to establish the legal father of the child. This is called the establishing of paternity.

Parentage can be established in the following manner:

- If a child is born to an unmarried mother, she and the alleged father can sign an Affidavit of Parentage form to legally establish the father's legal rights, or
- The mother and the alleged father can ask the court to determine the legal father of the child.
- Sometimes an alleged father may want proof that he is the biological father of the child before he is named the legal father. In that case, he may request genetic testing. This testing will show that the man is *not* the biological father of the child; or it can show a greater than 99 percent likelihood that the man is the father. Once paternity is established, an order for child support can be established.

Who establishes support orders?

The child support office (usually through the Prosecuting Attorney) or a parent may ask the court to issue a support order. The support order may be part of an interim, temporary, permanent, or modified court order in a divorce, paternity action, child custody action, or separate child support action. The court generally orders the noncustodial parent to provide support for the child who is living with the other parent. The court sets the amount of child support, medical support, and child care a parent must provide.

How is the amount of child support determined?

In Michigan, child support is determined using the guidelines established in state law. Child support guidelines are based on monthly net income of both parents.

The court reviews child support agreements to make sure the guidelines are applied correctly and the child support amount is appropriate. In some cases, the court may decide not to use the income guidelines to determine the amount of child support.

Important: When parents have joint physical custody, shared custody, or split custody of a child, the determination of child support is complicated and may not fit the formula.

For more information, see The Michigan Child Support Formula Manual available from the State Court Administrative Office or available on the Internet at www.courts.mi.gov/scao/services/focb/mcsf.htm. Click on The Child Support Formula Manual.

What other types of support can be ordered?

In addition to cash child support, there are two other types of support that can be ordered: medical and child care expenses.



Medical support

Michigan law requires that “the court shall require that one or both parents shall obtain or maintain any health care coverage that is available to them at a reasonable cost, as a benefit of employment.” Other medical expenses that aren’t covered by insurance may be ordered to be paid by one or both parents. This is determined on a case by case basis.

Child care expenses

When a parent incurs work-related child care expenses, an additional order adjustment is required. Work-related child care expenses include those which allow the parent to look for employment, retain paid employment, or to enroll in and attend an educational program which will improve employment opportunities. Using each party’s income, the court will decide the financial responsibility for this cost.

What happens when a parent doesn't pay child support?

When a parent does not meet the child support obligation, the Friend of the Court office works to enforce the support order. Below is a list of some enforcement methods.

Consumer (Credit Bureau) reporting

The Friend of the Court must report to a consumer reporting agency (credit bureau) the arrearage amount for each payer with two or more months of support arrearage. Lenders will often obtain a credit report from a consumer reporting agency when deciding whether to extend credit. If the credit report shows a history of untimely support payments or a large arrearage, the report may result in a denial of a loan or other credit.

New hire reporting

Employers must report basic information about all their newly hired employees to the Michigan New Hire Reporting Center. Each state's child support computer system receives data provided through new hire reporting. The child support office staff use the information to locate noncustodial parents and to establish or modify child support orders.

Driver license suspension

Driver licenses may be suspended for noncustodial parents who:

- Are at least two months behind in paying their child support obligations.
- Are not in compliance with a payment plan.

Before a driver license is suspended, the noncustodial parent is notified in writing. The parent can avoid a license suspension by showing that there is a mistake regarding the amount of the arrearage or by entering into an agreement accepted by the court for the payment of the arrearage.

Occupational license suspension

Noncustodial parents who are working in occupations that require a license from state, county, or municipal board or agency (e.g. electrician, realtors, barbers, plumbers) may have their licenses suspended if they:

- Are at least two months behind in paying their child support obligations.
- Are not in compliance with a payment plan.

Noncustodial parents receive notice of a pending suspension and can request a hearing before the license is suspended.

Passport denial

Passport applications may be denied if noncustodial parents:

- Are at least \$5,000 past due in their child support obligations.
- Are not in compliance with a payment plan.

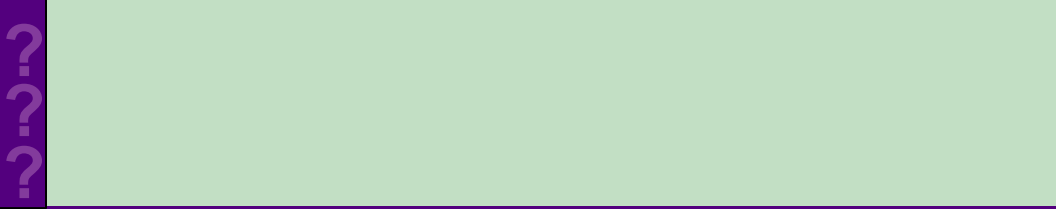
The U.S. State Department reviews passport applications to see if past due child support is owed.

Tax refund intercept

The child support office can collect support from a noncustodial parent's federal and state income tax refund, or state lottery winnings. There is no guarantee that monies will be collected (e.g., the noncustodial parent may not be owed a refund or there may be other claims against the same refund). The child support arrearage must be at least \$500.00 for federal offset; \$150.00 for state offset.

If the family is currently or has received public assistance in the past (recipients receiving only Medicaid benefits are not considered to have received public assistance), collections from the federal refund will be applied first to past due child support assigned to the state. The state will retain all federal tax refund offset collections assigned to the state up to the amount of public assistance paid to the family before any past due support owed to the family is paid. If the family has never received public assistance, then all collections from federal tax refund offset collected as child support will be disbursed to the family against any arrears owed by the noncustodial parent. If all arrears owed to the custodial parent are paid, excess amounts withheld from the noncustodial parent's federal tax refund will be refunded to the noncustodial parent.

If the child for whom support is ordered is now or has been in federally funded foster care, all federal tax refund offset collections assigned to



the state will be applied to any past due support, and retained by the state for the care and maintenance of the child, or used to serve the best interest of the child. If the foster care placement is not eligible for federal funding, some of the federal tax refund offset collections may be sent to the family.

There could be up to a six-month delay from federal income tax refund intercepts that are filed as joint returns. A present spouse filing an Injured Spouse Claim can amend federal joint tax returns which may result in the return of a portion of intercepted tax refund to the noncustodial parent's present spouse.

Therefore, all or a portion of the child support payments the family receives from a joint federal income tax refund intercept may have to be returned to the child support office if there is an adjustment to the amount of refund the state paid the family. The Tax Reform Act of 1986 allows filing an Injured Spouse claim for up to six years.

Collections from the state tax refund offsets and State Lottery winnings will be applied to all child support obligations as if the collection was an extra payment directly from the noncustodial parent. This means that, unlike federal tax refund offset collections, current support will be paid first; then overdue support due the family will be paid to the family before overdue support due the state is paid to the state.

Other income

If a noncustodial parent owes past due child support, the child support office may take periodic or lump sum payments the noncustodial parent receives from state or local agencies, including: unemployment insurance, workers' compensation, and lottery winnings. The child support office may also take assets held in financial institutions.

Contempt of court (Show Cause) hearing

If support is not paid on time, the Friend of the Court or a party may begin a contempt action (known as a "show cause" hearing), by filing papers requiring the payer to appear in court.

If the court finds the payer in contempt, the court may require a payment toward child support or commit the person to jail. If it appears to the court that the payer may be confined to jail, the court is required to appoint an attorney for payers who cannot afford private counsel.



If a payer does not appear for a “show cause” hearing, the judge may issue a bench warrant for the payer’s arrest, so that (s)he may be brought before the court. Once a bench warrant is issued, the duty to arrest usually lies with local law enforcement agencies. A bench warrant issued for failure to appear for a contempt of court hearing is only valid within the State of Michigan.

Liens

A lien is a claim against real or personal property. Once a person holding property is informed of the lien, that person must not allow the property to be transferred until the lien is released.

Property can be seized and the proceeds used to satisfy child support arrearages if the payer is over one year behind in child support arrearages.

What happens when one parent does not live in Michigan?

The most difficult cases to enforce are those in which the noncustodial parent lives in one state and the child and custodial parent live in another. However, all states must provide child support services regardless of where the other parent lives. For example, when custodial parents live in another state, Michigan collects child support from the noncustodial parent and sends the support to the other state.

How are most support payments made?

The Uniform Interstate Family Support Act (UIFSA), allows for the initiation of and response to interstate child support actions. UIFSA requires states to work together to establish and enforce a child support order. State child support agencies must cooperate and help each other in handling requests for assistance.

If the noncustodial parent's employer is known, the child support office can use direct income withholding to enforce a support order in another state. For example, Michigan can send an income withholding order to an employer in another state. The other state enforces the Michigan order.

In Michigan, most support payments are made through income withholding.

Income withholding

As of January 1, 1994, all new and modified child support orders must address income withholding. This means that if a noncustodial parent has been ordered to pay child support and is employed, the noncustodial parent's employer must withhold the support amount from the parent's paycheck.

You make a difference

As parents work with the child support office to establish a financial partnership in support of their children, parents should remember that not all solutions to child support problems are within their control. The legal rights of all parties must be guarded and sometimes laws that protect the rights of one parent seem unfair to the other.

The more parents know about Michigan's child support program, the better they will be able to exercise their rights and responsibilities under the law, and the more successful they will be in providing support to their children.



Definitions:

Custodial parent:

Parent or agency with physical custody of a minor child.

Noncustodial parent:

Parent not living with the minor child. (See payer)

Establishing paternity:

Determining the legal father of a child born to an unmarried woman.

Contempt of court:

Not doing what the court has ordered you to do.

Public assistance (MI):

Family Independence Program (FIP) - cash assistance, child care assistance, food stamps, Medical Assistance, or IV-E foster care.

Payer:

Parent who owes or pays child support. (See noncustodial parent)



FOR FUTURE REFERENCE

Child Support Specialist:

Name _____

Phone _____

Prosecuting Attorney’s Office:

Name _____

Phone _____

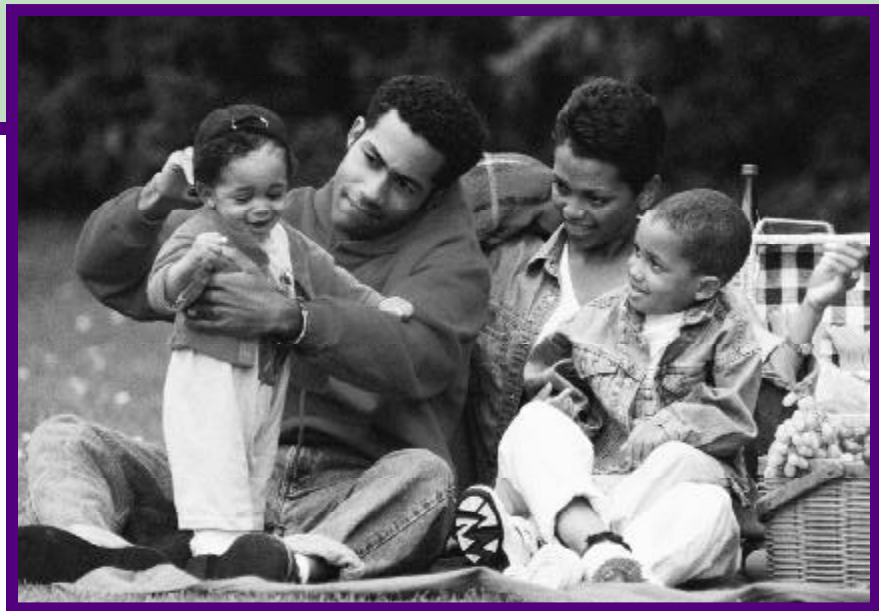
Location _____

Friend of the Court

Name _____

Phone _____

Location _____





STATE OF MICHIGAN
FAMILY INDEPENDENCE AGENCY



**Office of
Child Support**

State of Michigan
Family Independence Agency

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Quantity: 10,000 • Cost: \$2071.00 (.207 ea.) • Authority: FIA Director
FIA-Pub 748 (Rev 6-03) Previous edition obsolete.